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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,215	02/08/1999	BILL H. MCANALLEY	013258.0172	9780

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HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

EXAMINER

FLOOD, MICHELE C

ART UNIT PAPER NUMBER

1654

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/242,215		McAnalley et al.	

FOR A TEST EXAMPLE LOOK AT 09/214,353.PTO

EXAMINER	
Michele C. Flood	
ART UNIT	PAPER NUMBER
1654	

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**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

The reply filed on April 17, 2003 is not fully responsive to the prior Office action because of the following matters: independent Claims 1, 22 and 40, as instantly amended, do not reasonably read on the originally examined invention - i.e., a composition comprising nutritionally effective amounts of at least six saccharides, wherein at least one of said saccharides is selected from a first group of saccharides consisting of galactose, glucose, mannose, xylose and acetylated mannose; and wherein at least one of said saccharides is selected from a second group of saccharides consisting of: N-acetylneuraminic acid, fucose, N-acetylglactosamine, N-acetylglucosamine, arabinose, glucuronic acid, galacturonic acid, iduronic acid and arabinogalactan; and wherein said composition is preservative-free and wherein said saccharides are bioavailable as monosaccharides. The instantly amended claims now read on a dietary supplement composition comprising nutritionally effective amounts of at least six saccharides, wherein at least one of said saccharides is selected from a first group of saccharides consisting of galactose, glucose, mannose, xylose and acetylated mannose; wherein at least one of said saccharides is selected from a second group of saccharides consisting of N-acetylneuraminic acid, fucose, N-acetylglactosamine, N-acetylglucosamine, arabinose, glucuronic acid, galacturonic acid, iduronic acid and arabinogalactan; and wherein said composition comprises predigested forms of said saccharides. Thus, the originally examined invention was apparently drawn to a comprising nutritionally effective amounts of at least six saccharides, wherein at least one of the saccharides is selected from a first Markush group and wherein at least one of the saccharides is selected from a second Markush group, wherein the composition is preservative-free and wherein the saccharides are bioavailable as monosaccharides vs. the newly claimed invention drawn to a comprising nutritionally effective amounts of at least six saccharides, wherein at least one of the saccharides is selected from a first Markush group and wherein at least one of the saccharides is selected from a second Markush group, wherein the composition comprises predigested forms of saccharides. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is (703) 308-9432. The examiner can normally be reached on Monday through Friday from 7:15 am to 3:45 pm. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196 or the Supervisory Patent Examiner, Brenda Brumback whose telephone number is (703) 306-3220.

MCF

June 25, 2003

*Michele C. Flood*  
**MICHELE FLOOD**  
**PATENT EXAMINER**